

REMARKS

Claims 10 and 11 are currently pending.

Applicants note with appreciation that the Examiner has indicated that Claims 10 and 11 are allowed. Responsive to the Examiner's requirement, a Terminal Disclaimer is being submitted herewith. The Examiner has found that the pending claims are free of the prior art, but requires that the remarks which Applicant previously incorporated by reference be reiterated in this Response. Applicant does so as follows.

The [. . .] claims are directed to an embodiment of the sauce that includes at least 40% balsamic vinegar of Modena, a thickening agent and a sugar.

Balsamic vinegar, in particular balsamic vinegar from Modena, is different from normal wine vinegars obtained from fermentation of wine. Modena balsamic vinegar is produced by a different process, is matured differently, and uses different ingredients. Very briefly, balsamic vinegar is made only from must (never from wine) which is boiled and matured using age-old techniques, without addition of different substances. This causes the sugar fermentation which leads to vinegar. Further, although commonly called a vinegar, balsamic vinegar is in fact more properly termed a condiment.

Balsamic vinegar from Modena has a very intense taste and is used in the preparation of various sauces, such as those described in the [cited] prior art [. . .]. It is always used in relatively sparing quantities because of its very intense taste.

The [. . .] cited documents include only very small quantities of balsamic vinegar, and are typically used as flavoring. Furthermore, the American Culinary Gardens provides a sweetened and flavored vinegar which is very different to the balsamic sauce claimed herein. ALESSI teaches using a white vinegar, while Modena balsamic vinegar is always very

dark brown with a balsamic flavor. The only reference to Modena is that the white wine vinegar (not balsamic vinegar) and the must used come from Modena. This is not the same as Modena balsamic vinegar.

Indeed, none of the references uses Modena balsamic vinegar to any great percentage and specifically not anywhere near the 40% claimed [. . .]. The inventors have found that by adding the thickening agents and sugar, they are able to soften the very intense taste of the balsamic vinegar of Modena.

CONCLUSION

In view of the comments herein and the Terminal Disclaimer provided, the present application is believed to be in condition for allowance. Favorable consideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited.

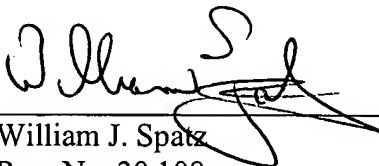
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Respectfully submitted,

KRAMER LEVIN NAFTALIS & FRANKEL LLP
Attorneys for Applicants

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By:



William J. Spatz
Reg. No. 30,108
CUSTOMER NO. 31013
KRAMER LEVIN NAFTALIS & FRANKEL LLP
919 Third Avenue
New York, New York 10022
(212) 715-9257 (telephone)
(212) 715-8437 (facsimile)